IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 4414 of 2002

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NANALAL CHANDULAL THAKKAR & 2 - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR UA TRIVEDI for Applicant(s) : 1 - 3.
Mr. MR Mengdey, Addl. PUBLIC PROSECUTOR for Respondent(s) : 1,
MR HM PARIKH for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 05/07/2007
ORAL JUDGMENT

By way of this application under Section 482 of the Criminal Procedure Code, the applicants, original-accused No. 2, 3 and 4, father-in-law, mother-in-law, and husband of

respondent No.2 herein, original-complainant have prayed to quash and set aside the chargesheet submitted by the Vatva Police Station in Crime Register No. I-524/2001 in the Court of learned Metropolitan Magistrate, Court No.19, Ahmedabad.

2. The criminal complaint came to be filed by the respondent No.2, original-complainant wife of petitioner No.3 in Vatva police station against the petitioners, original-accused for the offences punishable under Section 498-A, 323, 504 and 114 of the Indian Penal Code on 16.12.2001 and thereafter the chargesheet came to be filed by the Investigating Officer in the Court of Metropolitan Magistrate. Being aggrieved and dissatisfied with the same, the petitioners, father-in-law, mother-in-law, and husband of respondent No.2 herein, original-complainant have preferred the present application under Section 482 of the Code of Criminal Procedure for quashing and setting aside the chargesheet.

3. Today, when the matter is called out, the

learned advocates appearing on behalf of the petitioners as well as respondent No.2, i.e., original-accused as well as original-complainant have jointly submitted that the parties have settled the dispute which is basically a matrimonial dispute due to which divorce had taken place between the petitioner No.3 and respondent No.2, and that the original-complainant has agreed to withdraw the complaint and/or not to press for the same. Shri Umesh Trivedi, learned advocate appearing for the petitioners has produced on record a xerox copy of Divorce Deed/Compromise Deed which is directed to be taken on record. Shri HM Parikh, learned advocate appearing on behalf of respondent No.2, original-complainant has also submitted that the parties have settled the dispute and that the parties have agreed to withdraw all the cases and in support thereof he has produced on record one letter written by father of respondent No.2. The said letter dated 29.4.2007 written by father of the respondent No.2 is directed to be taken on record. Relying upon the judgment of the Hon'ble

Supreme Court in the case of ***B.S. Joshi & Ors., Vs. State of Haryana & Anr.***, reported in *2003 (3) SCALE 214,* the learned advocates appearing on behalf of the respective parties have requested to quash the chargesheet exercising the inherent power by quashing criminal proceedings.

4. In the facts and circumstances of the case, more particularly when the parties to matrimonial dispute have settled the dispute and the parties do not want to proceed further with the criminal proceedings, the ends of justice will be met if the criminal proceedings are quashed. In the aforesaid facts and circumstances where a settlement has been entered into between the parties it appears to the Court that no useful purpose is likely to be served by allowing the present criminal prosecution to continue. In view of the peculiar facts and circumstances narrated hereinabove and considering the judgment of the Hon'ble Supreme Court in the case of *B.S. Joshi [supra]*, the criminal proceedings pending before the learned

Metropolitan Magistrate, Court No. 19, arising out of complaint filed in Vatva police station being Crime Register No. I-524/2001 in the Court of learned Metropolitan Magistrate, Court No.19, Ahmedabad is hereby quashed and set aside. Rule is made absolute to the aforesaid extent.

[M.R. Shah, J.]

rmr.